

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

DIANE B. SOLLOD,

Plaintiff,

v.

THE HOME DEPOT U.S.A. INC.,

Defendant.

:
:
:
:
:
:
:
:
:
:

Civil Action No. 1:17cv1011

HOME DEPOT’S MOTION FOR SUMMARY JUDGEMENT

COMES NOW, the Defendant, HOME DEPOT U.S.A. INC., (“Home Depot”), by counsel, pursuant to Fed. R. Civ. P. 56(a) and moves this Court to enter an order of judgment in its favor on the Plaintiff’s Complaint. In support thereof, Home Depot states as follows:

1. Plaintiff has filed a Complaint for negligence against Home Depot U.S.A. Inc., alleging that she slipped and fell on “a defect in the surface of the parking area” at Home Depot’s store. Compl. ¶ 10 (Dkt. 1-1).

2. Home Depot is entitled to summary judgment dismissing the Plaintiff’s claim because the Plaintiff cannot make out a *prima facie* cause of action. Indeed, the Plaintiff cannot present any evidence to prove either: (I) that a dangerous condition existed in Home Depot’s parking lot, (II) that her fall was proximately caused by a dangerous condition in Home Depot’s parking lot, or (III) that Home Depot had actual or constructive notice of any dangerous condition in its parking lot. Accordingly, judgement should be entered in favor of Home Depot.

3. The grounds and bases of Home Depot’s Motion for Summary Judgment are set forth in full and incorporated herein in its Memorandum in Support of Its Motion for Summary Judgment filed contemporaneously herewith.

WHEREFORE, Defendant HOME DEPOT U.S.A. INC., requests the Court enter an Order granting Home Depot's Motion for Summary Judgment, entering judgment in Home Depot's favor and granting such other and further relief as the court deems just and proper.

/s/

Brian A. Cafritz, VSB# 34366
Jessica G. Relyea, VSB# 76775
Chris Bergin, VSB#87315
KALBAUGH, PFUND & MESSERSMITH, P.C.
Counsel for Home Depot U.S.A., Inc.
901 Moorefield Park Drive, Suite 200
Richmond, VA 23236
(804) 320-6300
(804) 320-6312 (fax)
Brian.Cafritz@kpmlaw.com
Jessica.Relyea@kpmlaw.com
Chris.Bergin@kpmlaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing was electronically filed using the Court's CM/ECF system this 26th day of January, 2017, which automatically sent notice to:

Jonathan B. Breeding, Esq.
CHASENBOSCOLO INJURY LAWYERS
6402 Arlington Blvd., Suite 600
Falls Church, VA 22042
Counsel for Plaintiff

/s/
Brian A. Cafritz, VSB# 34366
Jessica G. Relyea, VSB# 76775
Chris Bergin, VSB#87315
Counsel for Home Depot U.S.A., Inc.
KALBAUGH, PFUND & MESSERSMITH, P.C.
901 Moorefield Park Drive, Suite 200
Richmond, Virginia 23236
(804) 320-6300 / (804) 320-6312 (fax)
Brian.Cafritz@kpmlaw.com
Jessica.Relyea@kpmlaw.com
Chris.Bergin@kpmlaw.com